

Application No. 10/052,441
Amendment dated June 15, 2005
Reply to Office Action of December 15, 2004

REMARKS/ARGUMENTS

Claims 1-23 are pending in the application. Claims 1, 3, 4, 9, 10, 11, 18, 20 and 21 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3, 5, 8-10, 12, 15-20, 22 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fiske. Claims 4, 11 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiske in view of Apfel (U.S. Patent No. 5,974,454). Claims 6, 7, 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiske in view of Kraml (U.S. Patent No. 6,493,594). Claims 4, 11, and 21 are amended for clarification purposes and to overcome 35 U.S.C. §112 rejections. Claims 22 and 23 are amended to overcome 35 U.S.C. §101 rejections.

With respect to claims 1, 9, and 18, Applicants respectfully submit the claims is not indefinite because the claims (e.g., the embodiment of claim 1) merely recite "...validating comprising translating messages originating at the first software component from an upgraded version format to a current version format". Applicants wish to claim at least a message, originating at the first component being translated from an upgraded version format to a current version format and as such submit the claims are presently allowable under 35 U.S.C. § 112, second paragraph. Furthermore, Applicants submit the phrase "a current version" is properly recited in these claims and does not present an antecedent basis problem as it is being recited in the cited instance for the first time.

With respect to claims 3, 10, and 20, Applicants respectfully again submit the claims are not indefinite because the claims (e.g., the embodiment of claim 3) merely recite "...wherein the first software component comprises at least one interface, and said upgrading comprises

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upgrading the interface". The relationship between the first software component, the upgrading and the interface is clearly implicit in the claim language.

Applicants further respectfully submit the cited references do not teach suggest or disclose "[a] method ...comprising: upgrading the first software component to an upgraded version; and validating the performance of the upgraded first software component, *said validating comprising translating messages originating at the first software component from an upgraded version format to a current version format*" (e.g., as recited in the embodiment of claim 1).

The Office Action cites column 3, lines 54-62 of Fiske as disclosing validating comprising translating messages originating at the first *software* component from an upgraded version format to a current version format. Column 3, lines 54-62 state:

On the processor, a procedure may be running which is triggered every time that new data is received by the processor and checks to see if an executable file is present. The processor then *unpacks the upgrade materials* which may involve decompression of the files and the processor performs consistency checks on the files. *Consistency checks are performed to establish the compatibility of the revision and also to verify that the files are authorized upgrades (emphasis supplied).*

The cited section of Fiske does not teach suggest or disclose translating messages originating at the first software component from an upgraded version format to a current version format. The cited section of Fiske merely discloses unpacking of "upgrade materials" and vaguely disclosed "consistency checks". However, the cited reference does not disclose at least *translating messages* originating at a first software component from an upgraded version format to a current version format. Performing a consistency check (merely establishing and verifying compatibility) as disclosed in Fiske is not the equivalent of translating *messages* (see at least

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paragraph 16 of specification) originated at a first software component. Indeed, the cited section of Fiske does not disclose *translating messages* (as specifically recited in the embodiment of claim 1) at all. Therefore, cited sections of Fiske are inadequate to support a 102(e) rejection. Cited references Apfel and Kraml fail to make up for these deficiencies.

Applicants respectfully submit that since each and every element is not taught, suggested or disclosed by the cited reference, 102(e) rejection of claim 1 should be withdrawn. Independent claims 9, 18 and 22 include substantively similar limitations and therefore should be allowed for the same reasons. Claims 2-8, 10-17, 19-21, and 23 depend from allowable independent claims, and therefore should be allowed as well.

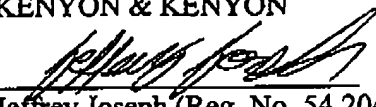
For at least all the above reasons, the Applicants respectfully submit that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
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